

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

ALEXANDER N. ASANOV, et al., : **CIVIL ACTION NO. 1:05-CV-0470**

: :

Plaintiffs : **(Judge Conner)**

: :

v. :

: :

M. HAYES HUNT, et al., :

: :

Defendants :

ORDER

AND NOW, this 11th day of April, 2006, upon consideration of the report of the magistrate judge (Doc. 54), recommending that plaintiff BioElectroSpec, Incorporated (BioElectroSpec") be dismissed from the above-captioned action, and of plaintiffs' objections (Doc. 60) to the report, requesting that the court appoint counsel to represent plaintiffs, and it appearing that BioElectroSpec does not have an attorney to represent its interests in this case, see Rowland v. Ca. Men's Colony, Unit II Men's Advisory Council, 506 U.S. 194, 201-02 (1993) ("It has been the law for the better part of two centuries . . . that a corporation may appear in federal courts only through licensed counsel."); see also MacRae v. Smith, 159 F. App'x 336, 337 (3d Cir. Nov. 8, 2005) (same); cf. United States v. Cocivera, 104 F.3d 566, 572 (3d Cir. 1996) ("[A] corporation may not be represented by other than licensed counsel."), and that plaintiffs are not proceeding *in forma pauperis* in this case, see 28 U.S.C. § 1915(d) (setting forth rules governing appointment of counsel for indigent parties), and the court finding that plaintiffs' claims do not encompass complex legal or factual issues, see Reese v. Fulcomer, 946 F.2d 247, 263 (3d Cir. 1991) (identifying

merit and complexity of claims as factors in whether to appoint counsel); Blasi v. Attorney Gen., 30 F. Supp. 2d 481, 489 (M.D. Pa. 1998) (citing Tabron v. Grace, 6 F.3d 147, 155-57 (3d Cir. 1993)), that *pro se* plaintiffs are capable of properly prosecuting these claims, see Tabron, 6 F.3d at 156 (identifying ability of plaintiff to present case as a “significant factor” in whether to appoint counsel), and that it would not be in the interests of justice to appoint counsel for corporate-plaintiff, it is hereby ORDERED that:

1. The report of the magistrate judge (Doc. 54) is ADOPTED.
2. Plaintiff BioElectroSpec, Incorporated is DROPPED as a party to the above-captioned case. See FED. R. CIV. P. 21.
3. The above-captioned case is REMANDED to the magistrate judge for further proceedings.

/s/ Christopher C. Conner
CHRISTOPHER C. CONNER
United States District Judge